

# **EXHIBIT 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

TAMMY COVINGTON and  
JEFFREY COVINGTON,

Plaintiffs,

VS.

Case No. 19-cv-00718-PRW

CSAA FIRE AND CASUALTY  
INSURANCE, d/b/a AAA FIRE AND  
CASUALTY INSURANCE COMPANY, INC.

Defendant.

**AFFIDAVIT OF GERARD F. PIGNATO**  
**IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES**

**STATE OF OKLAHOMA**                     )  
   ) ss.  
**COUNTY OF OKLAHOMA**               )

Gerard F. Pignato, of lawful age and being duly sworn, deposes and states as follows:

1. I am an attorney with the firm of Ryan Whaley Coldiron Jantzen Peters & Webber PLLC (“Ryan Whaley”). I am admitted to practice before the Supreme Court of Oklahoma and this Court.

2. I am one of the attorneys responsible for the representation of CSAA Fire and Casualty Insurance Company in this case. I have represented CSAA in various litigation since at least 2015 and continuously in this matter since CSAA was served in July 2019. This engagement required counsel to be knowledgeable in various aspects of contract, tort, property and construction law and a detailed understanding of the financial and construction aspects of the property at issue. I have personal knowledge with regard to CSAA's representation in this matter and the corresponding attorneys' fees and costs incurred by CSAA.

3. I have personally reviewed the Motion for Award of Attorneys' Fees and Brief in Support (the "Motion") prepared and filed of record in this case. The amounts reflected therein were actually and necessarily incurred by CSAA in this case, and are accurate to the best of my knowledge and belief. I make this Affidavit in support of CSAA's Motion.

4. I believe that an award of reasonable attorneys' fees and costs in favor of CSAA in this action is authorized by applicable Oklahoma law, including 12 O.S. §§ 3629.

6. The hourly rates of attorneys who have billed fees incurred by CSAA in this case are as follows:

Partners	Gerard F. Pignato/Matthew C. Kane	\$185/hr
Associates	Joshua K. Hefner	\$165/hr
Paralegals	JoAnn Mickle/Gordon J. Pignato/other	\$85/hr

7. During the course of representing CSAA in this matter, the attorneys identified above performed the services reflected in the billing records attached to CSAA's Motion, incorporated herein by reference, which constitute true and correct copies of the statements for legal services rendered by CSAA's attorneys through October 2020 for which recovery is sought in the Motion. As a result of the pending appeal in this matter, CSAA has submitted redacted copies of the statements for legal services rendered by the firm to CSAA. CSAA will provide unredacted statements to the Court for *in camera* review at the direction of the Court.

8. The total fees for legal services which CSAA requests be awarded pursuant to its Application is \$ 49,742.00. This total represents the fees which have been charged to CSAA from and after the filing of this matter through October 2020. These amounts have been charged and billed by Ryan Whaley to CSAA, and have been paid by CSAA (with the exception of the most recent billing statements which are currently being processed).

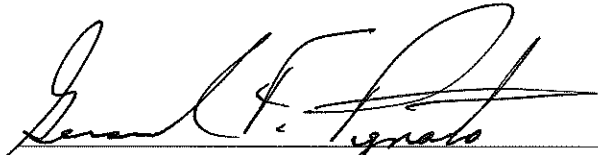
9. During the course of representing CSAA in this action, Ryan Whaley identified above performed the following legal services, among others:

- a. Conferences and communications with representatives of CSAA concerning the issues involved in this action;
- b. Locating, identifying, reviewing, and producing of documents pertaining to this action, including documents of CSAA;
- c. Research relating to the claims and defenses asserted by the parties, numerous motions filed by the parties as reflected in the Court record, extensive discovery-related issues and disputes;
- d. Taking of depositions and attendance at depositions conducted by Plaintiffs;
- e. Preparation of all pleadings and related materials on behalf of CSAA, including briefing on CSAA's dispositive summary judgment motion;
- f. Trial preparation; and
- g. Numerous communications and correspondence with counsel for Plaintiffs.

10. I believe that \$ 49,742.00 would be and is a reasonable attorneys' fee in this action, based upon the information set forth in this Affidavit and in CSAA's Motion. I believe that the amount of hours expended by the firm in this action and the usual hourly fees charged for that time are reasonable and were necessary to an effective representation of CSAA.

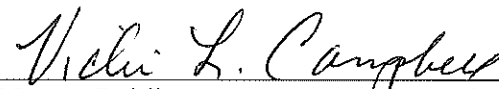
11. I have also reviewed the costs of \$461.80 included in the Bill of Costs and declare that they are correct and necessarily incurred in the action.

Further Affiant sayeth not.

  
GERARD F. PIGNATO

Subscribed to and sworn before me this 5<sup>th</sup> day of November, 2020.



  
Notary Public      Commission Number  
16011158

My Commission Expires:

11/29/20